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HOUSE BILL 1028

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Thomas E. Swisstack

AN ACT

RELATING TO CORRECTIONS; ELIMINATING THE REVIEW PANEL FOR THE  
JUVENILE COMMUNITY CORRECTIONS GRANT FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 33-9A-4 NMSA 1978 (being Laws 1988,  
Chapter 101, Section 42, as amended) is amended to read:

"33-9A-4. APPLICATIONS--CRITERIA [~~REVIEW PANEL~~].--

A. Counties, municipalities or private  
organizations, individually or jointly, may apply for grants  
from the fund, including grants for counties or municipalities  
to purchase contractual services from private organizations;  
provided that:

(1) the application is for funding a program  
with priority use being for delinquents selected pursuant to  
the provisions of Section 33-9A-5 NMSA 1978;

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1                   (2) the applicant certifies that it is willing  
2 and able to operate the program according to standards provided  
3 by the department, which may include the negotiation of a  
4 contract between the delinquent and program staff with  
5 provisions such as deductions from employment income for  
6 applicable victim restitution, family support, room and board,  
7 savings and weekly allowance. In addition to monetary  
8 restitution, to the extent practical, or if monetary  
9 restitution is not applicable, the contract may include  
10 provision for community service restitution for a specific  
11 number of hours;

12                   (3) the applicant demonstrates the support of  
13 key components of the criminal justice system;

14                   (4) the applicant, if a private organization,  
15 demonstrates the support of the county and municipality where  
16 the program will provide services;

17                   (5) the applicant certifies that it will  
18 utilize volunteer services as an integral portion of the  
19 program to the maximum extent feasible; and

20                   (6) no class A county alone or in conjunction  
21 with any municipality within a class A county shall receive  
22 more than forty-nine percent of any money appropriated to the  
23 fund.

24                   B. Notwithstanding the provisions of Subsection A  
25 of this section, the department may utilize the fund to place

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1 individuals eligible, or within twelve months of eligibility,  
2 for parole in community-based settings. The juvenile parole  
3 board may, in its discretion, require participation by a  
4 delinquent in a program as a condition of parole pursuant to  
5 the provisions of Section [~~32-2-6~~] 32A-7-6 NMSA 1978.

6 C. The department may utilize not more than  
7 twenty-five percent of the fund to contract directly for  
8 community corrections programs or to establish programs  
9 operated by the department; provided, however, that the  
10 department may utilize up to an additional ten percent of the  
11 fund to operate juvenile community corrections programs if,  
12 after a reasonable effort to solicit proposals, there are no  
13 satisfactory proposals from a community where it is determined  
14 that a program is necessary or if it becomes necessary to  
15 cancel a program as provided in the contract.

16 D. The department shall establish additional  
17 guidelines for allocation of funds under the Juvenile Community  
18 Corrections Act. An applicant shall retain the authority to  
19 accept or reject the placement of any delinquent in a program.

20 ~~[E. The department shall establish a panel to~~  
21 ~~review all applications for grants from the fund. The panel~~  
22 ~~shall make recommendations to the secretary regarding each~~  
23 ~~application. The review panel shall include representatives of~~  
24 ~~juvenile corrections, the judiciary, law enforcement, local and~~  
25 ~~tribal government, interested organizations and the general~~

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1 ~~public. The panel shall work jointly with any other review~~  
2 ~~panel established pursuant to Section 33-9-6 NMSA 1978.]"~~

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